



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

August 21, 2012

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

VIA CERTIFIED MAIL# 7190 0005 2710 0022 9960

Chad Davis, Plant Manager
Ingredion Incorporated
1515 South Drover Street
Indianapolis, IN 46221

Re: Commissioner of the Department of
Environmental Management
v.
Ingredion Incorporated
Case No. 2012-20879-A

Qualified offer of settlement: inadmissible pursuant to Rule 408 of the Ind. Rules of Evidence. IDEM asserts that any offer to compromise a claim or any acceptance of such offer does not bind or obligate the parties of this enforcement action in the absence of a final order of the agency.

Dear Mr. Davis:

Enclosed please find the proposed Agreed Order, that provides for the actions required to correct the violations outlined in IDEM's Notice of Violation issued to you in the above referenced case dated July 27, 2012. The civil penalty noted in the proposed Agreed Order is for settlement purposes only. Entering into and timely compliance with the enclosed Agreed Order will constitute resolution of this case.

If you are willing to resolve this matter as provided for in the enclosed Agreed Order, sign and return it to me at the address specified in the Agreed Order within thirty (30) days of your receipt of the Agreed Order. The individual signing the enclosed Agreed Order should be the President of the company or other authorized signatory. If you would like to schedule a meeting to discuss the Agreed Order in more detail, please contact me as soon as possible at (317) 234-1300.

If this matter can not be resolved through the enclosed Agreed Order or a mutually acceptable amended Agreed Order, a Commissioner's Order may be issued. It should be understood that the civil penalty for purposes of a Commissioner's Order will be assessed pursuant to IDEM's Civil Penalty Policy adopted as a Nonrule Policy Document on April 5, 1999.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marty Yeates", is written over a faint, larger version of the same signature.

Marty Yeates
Compliance and Enforcement Manager
Compliance and Enforcement Branch
Section 3
Office of Air Quality

Enclosure

cc: Marty Yeates, Compliance and Enforcement, OAQ
Section File



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STATE OF INDIANA)
)
COUNTY OF MARION)

SS: BEFORE THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

COMMISSIONER OF THE DEPARTMENT)
OF ENVIRONMENTAL MANAGEMENT)
)
)

Complainant,)

v.)

Case No. 2012-20879-A

Ingredion Incorporated)
)

Respondent.)

AGREED ORDER

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to IC 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent's entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner ("Complainant") of the Indiana Department of Environmental Management ("IDEM"), a department of the State of Indiana created by Indiana Code ("IC") 13-13-1-1.
2. Respondent is Ingredion Incorporated ("Respondent"), which owns and operates a stationary wet corn milling plant which, amongst other things, produces feed, gluten meal, germ meal, and heavy steepwater, with Plant ID No. 097-00042, located at 1515 South Drover Street, in Indianapolis, Marion County, Indiana ("Site").

3. IDEM has jurisdiction over the parties and the subject matter of this action.
4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation ("NOV") on July 27, 2012 via Certified Mail to:

Ilene S. Gordon, CEO	CT Corporation System
Ingredion Incorporated	Registered Agent
5 Westbrook Corporate Center	251 East Ohio Street, Suite 1100
Westchester, IL 60154	Indianapolis, IN 46204

5. Respondent operates a stationary wet corn milling facility.
6. During an investigation conducted by a representative of IDEM, the following violations were found:

- a. Pursuant to Permit T097-26765-00042 and Administrative Amendment 097-29768-00042 Conditions D.1.1(e) and D.1.4(c), the VOC emissions from the Germ Dryer, Feed Dryer, and Gluten Dryer (Emission Units 5502-1A, 5502-1B, and 5502-1C, respectively), combined, shall not exceed 4.89 pounds per hour (lbs/hr).

Respondent conducted compliance testing on November 10, 2010 on the Germ Dryer, Feed Dryer, and Gluten Dryer (Emission Units 5502-1A, 5502-1B, and 5502-1C, respectively), combined, controlled by Regenerative Thermal Oxidizer (Unit 5502-1D), which demonstrated VOC emissions of 5.99 lbs/hr, in violation of Permit T097-26765-00042 and Administrative Amendment 097-29768-00042 Conditions D.1.1(e) and D.1.4(c).

- b. Pursuant to Permit T097-26765-00042 and Administrative Amendment 097-29768-00042 Condition C.14 (a), when the results of a stack test exceed the level specified in any condition of this permit, the Permittee shall submit a description of its response actions to IDEM, OAQ no later than seventy-five (75) days after the date of the test.

Respondent failed to submit a description of its response actions within seventy-five (75) days of November 10, 2010, the date of stack test failure, in violation of Permit T097-26765-00042 and Administrative Amendment 097-29768-00042 Condition C.14 (a).

- c. Pursuant to Permit T097-26765-00042 and Administrative Amendment 097-29768-00042 Condition C.14 (b), a retest to demonstrate compliance shall be conducted no later than one hundred eighty (180) days after the date of stack test failure.

Respondent failed to conduct a retest within one hundred eighty (180) days of November 10, 2010, the date of stack test failure, in violation of Permit T097-

26765-00042 and Administrative Amendment 097-29768-00042 Condition C.14 (b).

7. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective ("Effective Date") when it is approved by Complainant or Complainant's delegate, and has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date.
2. Respondent shall demonstrate compliance with Permit T097-26765-00042 and Administrative Amendment 097-29768-00042 Conditions D.1.1 (e) and D.1.4(c).
3. Within sixty (60) calendar days of the Effective Date and prior to the VOC emissions retest, Respondent shall conduct engineering studies to investigate and determine process conditions to control in order to achieve and maintain compliance with the VOC emission limits for the Germ Dryer, Feed Dryer, and Gluten Dryer.
4. Respondent shall submit progress reports within ten (10) days after the close of each month, documenting steps taken to return to compliance.
5. No later than December 31, 2012, Respondent shall conduct a VOC emissions retest of the Germ Dryer, Feed Dryer, and Gluten Dryer (Emission Units 5502-1A, 5502-1B, and 5502-1C, respectively), combined, controlled by Regenerative Thermal Oxidizer (Unit 5502-1D), to demonstrate compliance with Paragraph 2, above.
6. All submittals required by this Agreed Order, unless Respondent is notified otherwise in writing by IDEM, shall be sent to:

Marty Yeates, Compliance and Enforcement Manager
Compliance and Enforcement Branch – Mail Code 61-53
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251
7. Respondent is assessed and agrees to pay a civil penalty of Fourteen Thousand Dollars (\$14,000.00). Said penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of the Effective Date; the 30th day being the "Due Date".
8. In the event the terms and conditions of the following paragraphs are violated, Complainant may assess and Respondent shall pay a stipulated penalty in the following amount:

<u>Paragraph</u>	<u>Violation</u>	<u>Stipulated Penalty</u>
3	Failure to conduct engineering studies within 60 days of the Effective Date	\$500.00/week
4	Failure to submit progress reports	\$100.00/week
5	Failure to conduct stack test by December 31, 2012	\$500.00/week

Stipulated penalties shall be due and payable no later than the 30th day after Respondent receives written notice that Complainant has determined a stipulated penalty is due; the 30th day being the "Due Date". Complainant may notify Respondent at any time that a stipulated penalty is due. Failure to notify Respondent in writing in a timely manner of a stipulated penalty assessment shall not waive Complainant's right to collect such stipulated penalty or preclude Complainant from seeking additional relief against Respondent for violation of this Agreed Order. Neither assessment nor payment of stipulated penalties shall preclude Complainant from seeking additional relief against Respondent for a violation of this Agreed Order; such additional relief includes any remedies or sanctions available pursuant to Indiana law, including, but not limited to, civil penalties pursuant to IC 13-30-4.

9. Civil and stipulated penalties are payable by check to the "Environmental Management Special Fund." Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management
Cashier – Mail Code 50-10C
100 North Senate Avenue
Indianapolis, IN 46204-2251

10. This Agreed Order shall apply to and be binding upon Respondent and its successors and assigns. Respondent's signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent. No change in ownership, corporate, or partnership status of Respondent shall in any way alter its status or responsibilities under this Agreed Order.
11. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1. The interest shall be computed as having accrued from the Due Date until the date that Respondent pays any unpaid balance. Such interest shall be payable to the Environmental Management Special Fund, and shall be payable to IDEM in the manner specified in Paragraph 7, above.
12. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.

13. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall ensure that all contractors, firms and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
14. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of its obligation to comply with the requirements of its applicable permit or any applicable Federal or State law or regulation.
15. The Commissioner of the Indiana Department of Environmental Management (Complainant) does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of Respondent's efforts to comply with this Agreed Order.
16. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to, seek additional civil or other penalties for the same violation specified in the NOV.
17. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the EPA or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the EPA or any other agency or entity.
18. This Agreed Order shall remain in effect until Respondent has complied with all terms and conditions of this Agreed Order.

TECHNICAL RECOMMENDATION:
Department of Environmental Management

By: Craig Henry
Craig Henry, Chief
Compliance and Enforcement
Section 3
Office of Air Quality

Date: 8/8/12

RESPONDENT:
Ingredion Incorporated

By: _____

Printed: _____

Title: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT THIS _____ DAY OF _____, 20 ____ .

For the Commissioner:

By: _____
Keith Baugues, Assistant Commissioner
Office of Air Quality
Indiana Department of Environmental
Management



Date: 08/23/2012

IDEM OAQ CE BRANCH:

The following is in response to your 08/23/2012 request for delivery information on your Certified Mail(TM) item number 7190 0005 2710 0022 9960. The delivery record shows that this item was delivered on 08/22/2012 at 10:46 AM in INDIANAPOLIS, IN 46221. The scanned image of the recipient information is provided below.

Signature of Recipient:

A scanned image of a signature. The signature is written in cursive and appears to be "Sue Brown". It is written on a line that is part of a larger form.

Address of Recipient:

A scanned image of an address. The address is written in cursive and appears to be "1515 Prover". It is written on a line that is part of a larger form.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service